

FISCAL MEMORANDUM

SB 1265 – HB 1877

May 22, 2007

SUMMARY OF AMENDMENT (009197): Deletes the original bill in its entirety. Broadens the definition of litter to include a tobacco product or item designed to hold or filter a tobacco product while smoking such product. Creates new aggravated criminal littering offense punishable as a Class A misdemeanor for a first offense. Elevates to a Class E felony for the second offense with an amount exceeding 1,000 lbs. or 200 cubic feet or with any amount for a commercial purpose, or for a third offense with an amount exceeding 10 lbs. or 15 cubic feet. The penalty for criminal littering is decreased from a Class A to a Class B misdemeanor. The penalty for mitigated criminal littering is decreased from a Class A to a Class C misdemeanor punishable by a \$50 fine. Such defendant may submit applicable fine to the county court clerks office in the county in which the offense was committed in lieu of appearing in court. Authorizes the judge in such cases to excuse offender from paying court costs.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$6,600 / Incarceration*

Increase Local Govt. Revenues – Not Significant

Decrease Local Govt. Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- There will not be a sufficient additional number of prosecutions for local governments to experience any significant increase in revenues or expenses.
- No change in the incarceration costs for the Department of Correction.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized initial "J".

James W. White, Executive Director

/LSC